

REMARKS

Claims 1-12 remain pending in the present application. Claims 1 and 2 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura, et al. (U.S. Pub. No. 2001/0049943). As defined by the Examiner, Nakamura, et al. discloses an air conditioning system that, from the time the compressor 231 is stopped, it is determined whether or not the elapsed time exceeds a predetermined time. When the compressor is stopped, the flow rate of refrigerant goes to zero.

Claims 1 and 2 have been amended to define that when the refrigerant flow rate discharged from the compressor in operation remains smaller than or equal to a predetermined flow rate, but greater than zero, over a first predetermined time, the compressor is operated (intermittently operated in Claim 2) so that the discharge flow rate of the refrigerant becomes greater than the predetermined flow rate over a second predetermined time that is shorter than the first predetermined time.

As defined on page 9, lines 25-27, the compressor in the present invention can operate anywhere between zero and the maximum flow rate for the compressor. As described on page 11, line 25 to page 12, line 10, the term "the discharge flow rate of the refrigerant remains lower than or equal to the predetermined flow rate" covers not only the case where the flow rate is always lower but also the case where the flow rate

exceeds the predetermined flow rate instantaneously. Thus, if the average flow rate remains lower, the flow rate is considered as remaining lower. Thus, there is support in the original specification for the limitation "but greater than zero". As discussed above, Nakamura, et al. stops the compressor and thus the flow rate goes to zero.

Thus, Applicant believes Claims 1 and 2 patentably distinguish over the art of record.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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